

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:02-00243

GARY WHITE

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 20, 2010, the United States of America appeared by Monica K. Schwartz, Assistant United States Attorney, and the defendant, Gary White, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendments thereto submitted by United States Probation Officer Patrick M. Fidler, the defendant having commenced a three-year term of supervised release in this action on March 16, 2010, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on March 24, 2003.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant failed to file monthly reports within the first five days of each month from May 5, 2010, until the filing of the petition on August 31, 2010; (2) that the defendant failed to notify the probation officer of his change in residence inasmuch as the probation officer attempted to contact the defendant at his approved residence by telephone, mail and home visits, without success rendering his whereabouts unknown until he was arrested on the petition; (3) that the defendant failed to appear for urine screens as instructed on June 11 and 28, July 6 and 28, and August 4, 2010, and February 15 and 23, March 18 and 24, and April 14, 2011; (4) that the defendant failed to make restitution payments as directed by the court inasmuch as he did not make any restitution payments from the time supervised release commenced until the filing of the petition; (5) that the defendant used marijuana as evidenced by a positive urine specimen submitted by him on September 23, 2010; and (6) that the defendant, once placed on home confinement after his arrest on the petition as a modification of supervised release, absented himself without

permission on March 26 and 28, April 6, 7, 12, 14, 16, 18 and 19, 2011, during the times set forth in Second Amendment to Petition; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendments thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

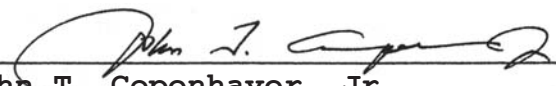
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of

TWELVE (12) MONTHS AND ONE DAY, to be followed by a term of twenty-four (24) months less one day of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, including monthly restitution payments at the rate of \$200 per month, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 1, 2011



John T. Copenhaver, Jr.
United States District Judge